

## HOUSE BILL NO. 575

INTRODUCED BY D. LOGE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE USE OF FISHING ACCESS  
5 SITES AND WILDLIFE MANAGEMENT AREAS; ESTABLISHING THE FISH AND WILDLIFE RECREATION  
6 ACCESS PASS; ESTABLISHING FEES AND USES OF REVENUE; ESTABLISHING THE COUNTY  
7 REIMBURSEMENT GRANT ACCOUNT; PROVIDING RULEMAKING AUTHORITY; PROVIDING STATUTORY  
8 APPROPRIATIONS; PROVIDING PENALTIES; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN  
9 EFFECTIVE DATE."

10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12

13 NEW SECTION. **Section 1. Fish and wildlife recreation access pass.** (1) Subject to the provisions  
14 of subsection (3), a person using a fishing access site or a wildlife management area shall display a fish and  
15 wildlife recreation access pass in the person's vehicle as prescribed by the department.

16 (2) (a) Except as provided in subsection (2)(b), an annual fish and wildlife recreation access pass may  
17 be purchased for \$15. Money collected pursuant to this subsection (2)(a) must be used as follows:

18 (i) \$4 to prevent or control nonnative, aquatic invasive species pursuant to Title 80, chapter 7, part 10;

19 (ii) \$2.75 to improve and maintain fishing access sites, including but not limited to boating, pumpout and  
20 camping facilities, latrines, and roads;

21 (iii) \$3 to control noxious weeds at fishing access sites;

22 (iv) \$3 to control noxious weeds at wildlife management areas;

23 (v) \$1 for enforcement and recreational boating safety;

24 (vi) 75 cents for reimbursement of county expenses related to fishing access sites and wildlife  
25 management areas; and

26 (vii) 50 cents to be remitted to the vendor who sold the access pass if the vendor is not the department.

27 If the vendor is the department, the 50 cents must be used for the purposes described in subsection (2)(a)(i).

28 (b) A person who possesses a valid license to fish in Montana may purchase an annual fish and wildlife  
29 recreation access pass for \$7.50. Money collected pursuant to this subsection (2)(b) must be used as follows:

30 (i) \$2 to prevent or control nonnative, aquatic invasive species pursuant to Title 80, chapter 7, part 10;

1 (ii) \$1.75 to improve and maintain fishing access sites, including but not limited to boating, pumpout and  
2 camping facilities, latrines, and roads;

3 (iii) \$1.20 to control noxious weeds at fishing access sites;

4 (iv) \$1.20 to control noxious weeds at wildlife management areas;

5 (v) 50 cents for enforcement and recreational boating safety;

6 (vi) 35 cents for reimbursement of county expenses related to fishing access sites and wildlife  
7 management areas; and

8 (vii) 50 cents to be remitted to the vendor who sold the access pass if the vendor is not the department.

9 If the vendor is the department, the 50 cents must be used for the purposes described in subsection (2)(b)(i).

10 (3) All fish and wildlife recreation access passes sold pursuant to this section must be purchased at  
11 locations or using methods prescribed by the department. The department may allow for the electronic purchase  
12 and display of an access pass.

13 (4) The department may contract with a district weed board for the purposes of subsections (2)(a)(iii),  
14 (2)(a)(iv), (2)(b)(iii), or (2)(b)(iv).

15 (5) Except as provided in subsection (6), money collected by payment of fees under this section must  
16 be deposited in an account in the state special revenue fund, which is statutorily appropriated to the department  
17 as provided in 17-7-502, and used in accordance with this section.

18 (6) (a) Money collected pursuant to subsections (2)(a)(i) and (2)(b)(i) must be deposited in the invasive  
19 species account established in 80-7-1004.

20 (b) Money collected pursuant to subsections (2)(a)(vi) and (2)(b)(vi) must be deposited in the county  
21 reimbursement grant account established in [section 2].

22 (7) Money collected pursuant to this section may be used to match federal funds available for the specific  
23 uses prescribed for that portion of the revenue.

24

25 **NEW SECTION. Section 2. County reimbursement grant account -- statutory appropriation --**

26 **rulemaking.** (1) There is a county reimbursement grant account in the state special revenue fund established  
27 in 17-2-102 to the credit of the department. The account is statutorily appropriated as provided in 17-7-502.

28 (2) Counties may apply to the department for reimbursement of expenses for enforcement and county  
29 road maintenance related to public use of fishing access sites and wildlife management areas.

30 (3) The department shall adopt rules for the application and selection processes for reimbursement grant

1 requests.

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3 **NEW SECTION. Section 3. Fish and wildlife recreation access pass violations.** A person convicted  
4 of a violation of [section 1] shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county  
5 detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond  
6 or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the  
7 privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes  
8 for a period of time set by the court.

9

10 **Section 4.** Section 17-7-502, MCA, is amended to read:

11 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
12 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the  
13 need for a biennial legislative appropriation or budget amendment.

14 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both  
15 of the following provisions:

16 (a) The law containing the statutory authority must be listed in subsection (3).

17 (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory  
18 appropriation is made as provided in this section.

19 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;  
20 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312;  
21 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101;  
22 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215;  
23 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506;  
24 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905; 20-26-617;  
25 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301;  
26 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213;  
27 44-13-102; 50-1-115; 53-1-109; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870;  
28 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416;  
29 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; [section  
30 2]; [section 1]; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

1 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
2 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
3 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana  
4 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state  
5 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory  
6 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion  
7 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded  
8 liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and  
9 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.  
10 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under  
11 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion  
12 of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004  
13 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30,  
14 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017;  
15 pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency;  
16 pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch.  
17 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec.  
18 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015,  
19 the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of  
20 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of  
21 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117  
22 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates  
23 September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December  
24 31, 2023.)"

25

26 **NEW SECTION. Section 5. Codification instruction.** (1) [Section 1] is intended to be codified as an  
27 integral part of Title 87, chapter 3, part 1, and the provisions of Title 87, chapter 3, part 1, apply to [section 1].

28 (2) [Section 2] is intended to be codified as an integral part of Title 87, chapter 1, part 6, and the  
29 provisions of Title 87, chapter 1, part 6, apply to [section 2].

30 (3) [Section 3] is intended to be codified as an integral part of Title 87, chapter 6, part 1, and the

1 provisions of Title 87, chapter 6, part 1, apply to [section 3].

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3 NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2017.

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